

## **TOWN OF TOPSFIELD**

### **SPECIAL ACTS AND GENERAL LAWS**

#### **A. ACCEPTANCES OF SPECIFIED CHAPTERS OF MASSACHUSETTS GENERAL LAW<sup>i</sup>**

In order to provide Cities and Towns with a measure of self-determination, the Massachusetts Legislature has enacted permissive, or enabling laws which have force only in those communities which accept them.

Permissive legislation generally is codified in the General Law volumes. Prior to codification many such laws are frequently cited by the chapter and year of their enactment. As a result, this reference stands when the question comes before the voters for acceptance. In the Topsfield General Law Acceptance listing which follows, some acceptances are cited by the appropriate codified chapter and others are cited by the chapter and year of enactment.

<b>Year of Acceptance</b>	<b>Reference of Chapter of MA Gen. Law</b>	<b>Short Title</b>
1891	Ch. 264, Acts of 1890	Providing for Public Cemeteries
1891	Ch. 304, Acts of 1888; Ch. 112, Acts of 1889	Authorizing Public Libraries
1896	Ch. 431, Acts of 1888	Providing for a Superintendent of Schools
1900	Ch. 466, Acts of 1898	Providing for a School Union and Superintendent of Schools
1900	Election Act of 1893	Providing for Use of Official Ballots
1905	Ch. 346, Acts of 1902	Providing for a One-Year Term for the Moderator
1916	Ch. 28, ~~ 1-14	Providing for the Election of Park Commissioners
1917	Ch. 13, Acts of 1916	An Act Relative to the Auditing of Town Accounts
1921	Ch. 624, Acts of 1910	Authorizing the Board of Selectmen to appoint a Town Accountant
1934	Ch. 136, ~~ 21-28 Repealed	In re Amateur Sports and Games on the Lord's Day
1939	Ch. 152, ~~ 69-75	Providing Workmen's Compensation for Town Employees
1940	Ch. 403, Acts of 1936	In re Workmen's Compensation
1941	Ch. 44, ~ 35, Gen. Laws.	Periodic Audit of the Town's Accounts Annually under Supervision of the Director of Accounts

<b>Year</b>	<b>Chapter</b>	<b>Short Title</b>
1945	Ch. 332, Acts of 1943 ~~ 3,4	Providing for the Licensing of Slaughterhouses
1945	Ch. 496, Acts of 1924	License Fees for Slaughterhouses
1947	Ch. 41, Section 81A- 8IJ	Establishing a Planning Board
1949	Ch. 40, ~~ 42A-42F	Authorizing Liens on Real Estate for non- payment of Water Charges
1949	Ch. 82, ~ 25	Concerning the Laying of Water and Sewer Pipes in unconstructed ways
1949	Ch. 54, Section 103A, Making Chapter 54, Sections 86 to 103 inclusive and Chap- ter 56, Sections 27 and 34 applicable	Dealing with Absentee Ballots
1949	Ch. 41 ~ 38A	Town Collector to collect all Accounts Due the Town and have remedies provided by ~ 35, 36 and 93 of Chapter 60
1949	Ch. 40, Section 39A and Ch. 41, Section 69A	Establishing a Board of Water Commissioners
1950	Ch. 639 Acts of 1950 and Ch. 639, ~ 1 Acts of 1950	Establishing a Department of Civil Defense
1958	Ch. 40, Section 21 ~ 11	In re: Personal Property Disposed
1960	Ch. 40, Section 8C	Establishing a Conservation Commission
1960	Ch. 223, Acts of 1957	Established 5 Members of Conservation Commission, including one member of the Planning Board
1960	Ch. 41, ~ 97A	Establishing a Police Department
1962	Ch. 25, Section 12H	Department of Public Safety--appointing annually an Inspector of Gas Piping and Appliances in buildings
1963	Ch. 461, Acts of 1963	Authorizing the extension by the Town of Danvers of its water mains into the Town of Topsfield on Salem Street

<b>Year</b>	<b>Chapter</b>	<b>Short Title</b>
1964	Ch. 32B	Providing Group Health and Life Insurance for Town Employees and their Dependents
1964	Ch. 40, Section 5(51)	In re: Conservation Fund
1964	Ch. 142, ~ 13	Adopting a Plumbing Code
1965	Ch. 32B, ~ 9A	Providing for Town Payment of fifty (50%) percent of Insurance Premium for Retired Town Employees
1967	Ch. 401, Acts of 1966	To extend Workmen's Compensation coverage to include certain elected and/or appointed officials
1968	Ch. 111, ~ 27A	Establishing a Regional Health District with the Town of Boxford and the Town of Wenham
1969	Ch. 54, ~ 16A	Authorizing the Deputizing of Election Workers
1971	Ch. 40, ~ 22D	Permits Selectmen to make regulations authorizing the towing of vehicles which impede snow removal
1971	Ch. 40, ~ 8D	Establishing an Historical Commission
1972	Ch. 835, Acts of 1970	Providing for Police incentive salary increases for Police Officers
1972	Ch. 121B, Section 3	Establishing a Topsfield Housing Authority
1972	Ch. 40, Section 8B	Establishing a Council on Aging
1972	Ch. 41, Section 62	In re: Highway Surveyor
1974	Ch. 387, Acts of 1974 of the General Court of Massachusetts	An Act Authorizing the Town of Topsfield to Grant a Retirement Allowance in an amount not to exceed \$4,000 annually to Roger G. Peabody
1974	Ch. 220, Acts of 1972, Section 8G	Authorizing Intergovernmental Agreements for Mutual Police Aid Programs
1975	Ch. 85, ~ 11A	Registration of Bicycles
1975	Ch. 32, Section 85 H Ch. 41, Section 100	Acceptance of Liability with Regard to Bodily Injury, Disability Retirement, Disability and Death and Dismemberment of Call Firefighters

<b>Year</b>	<b>Chapter</b>	<b>Short Title</b>
1976	Ch. 90, ~ 20C	Non-Criminal Parking Offenses
1981	Ch. 217, Acts of 1980	Increasing to Four Thousand (\$4,000.00) Dollars the Amount of Non-Bid Contracts
1981	Ch. 262, Section 34	Establishing a Uniform Fee Schedule
1981	Ch. 41, Section 21	Establishing a Board of Health
1981	Ch. 90, ~~ 20A 1/2-20E	Establishing fines for parking violations
1983	Ch. 496, Acts of 1981	Providing for acceptance of revenue from rental of School and property
1985	Ch. 32B, ~ 8A	Establishing a Group Insurance Trust Fund
1985	Ch. 55, Acts of 1984 Rescinded vote 5/1/07 Article 32	Concerning Collection of Property Taxes--that any Property Tax not in excess of Twenty-Five (\$25.00) Dollars shall be due and payable in a single payment
1986	Ch. 188, Sections 16 and 17, Acts of 1985	Provide for an \$18,000 minimum salary for Teachers effective July 1, 1986
1986	Ch. 59, ~ 5, Clause 17C and 59, ~ 5, Clause 41B	Relating to Real Estate Tax Exemptions for Handicapped and Elderly
1987	Ch. 640, Acts of 1985	Relating to the Granting and Renewing of Certain Licenses and Permits
1987	Ch. 194, Acts of 1986	Relating to Establishing a Town Scholarship Fund
1987	Ch. 40, Sections 42G, 42H and 42I	Relating to the levying of special assessments to meet the whole or part of costs incurred in laying of pipes in Public Ways for the conveyance and distribution of water
1988	Ch. 59, ~ 5, Clause 37A	Real Estate exemptions for the legally blind
1988	Ch. 59, ~ 5, Clause 17D	Relative to Real Estate Exemptions for the Elderly, Surviving Spouses and Minor Children which would replace Clause 17C
1988	Ch. 59, ~ 5, Clause 41C	Real Estate Exemptions for the Elderly which would Replace Clause 41B

<b>Year</b>	<b>Chapter</b>	<b>Short Title</b>
1988	Ch. 32B, ~ 7A	Permits Town to increase to 77% of Town's share of medical coverage
1988	Ch. 41, Section 1	Appointment of Tree Warden
1988	Ch. 41, Section 63	Election of Road Commissioners
1988	Ch. 262, Section 34 <b>REPEALED</b>	Establishing Town Clerk Fee Schedule
1989	Ch. 40, ~ 39K	Authorizing Cities and Towns to Establish an Enterprise Fund
1989	Ch. 40C, Section 14	Grants Historic District Commission powers and duties of an Historical Commission as Provided in Chapter 40, Section 8D and Rename the Historic District Commission the Topsfield Historical Commission
1991	Ch. 291, Acts of 1990	Allows Town to Receive Enhanced 911 Service
1991	Ch. 516, Section 5, Acts of 1958	Withdrew from Essex County Mosquito Central Project (Note: Joined Project Article 8-STM 11/23/65)
1991	Ch. 223, Acts of 1990	Establishing Town Membership in Essex-Middlesex Sanitary District
1992	Ch. 40, ~ 22F	Relative to the setting of municipal fees
1992	Ch. 32B, Section 18	Requires all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to the retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to the retiree, their spouse or dependents, to enroll in a medicare health benefits supplement plan offered by the Town
1994	Ch. 71, Section 83 Acts of 1993 "Education Reform Act of 1993"	Provides for an Early Retirement Incentive Program for Topsfield Elementary Teachers
1996	Ch. 41, Section 53F ½	Establishment of Enterprise Fund for Water Dept.
1998	Ch. 48, Section 42	Provides for the appointment of a “strong” Fire Chief
1998	Ch. 41, Section 23A	Provides for the appointment of an Executive Secretary or Town Administrator
1999	Ch. 41, Section D	Provides for public employees’ payroll direct deposit

Year	Chapter	Short Title
1999	Ch. 81, Section 1 Acts of 1995 which amends Ch. 59, Section 5	Cost of Living Adjustment
2001	Ch. 73, Section 4 Acts of 1986 As amended by Ch. 126 Acts of 1988	Provides for additional property tax exemption of 100% for FY 2002 for qualifying taxpayers
2001	Ch. 380 Acts of 2000	Provides for certain real estate exemptions
2001	Ch. 64G, Section 3A	Impose a Local Room Occupancy Excise Tax of 4%
2001	Ch. 159, Section 114 Acts of 2000	Provides for Small Personal Property Accounts Town voted to establish a minimum value of \$1000.
2002	Ch. 32B, Section 9E	Allows for the payment of insurance in excess of 50% for retired Town employees and their dependents
2003	Ch. 58, Section 8C	Allows the Town to enter into agreements with developers of affordable housing for the abatement of outstanding property taxes
2003	Ch. 59, Section 5, Clause 41C	Adjusts eligibility requirements of Ch. 59, Section 5, Clause 41C as amended by Section 5 of Ch .184 of the Acts of 2002. (Real estate exemption for elderly)
2003	Ch. 73, Section 4 Acts of 1986, as amended by Ch. 126 of the Acts of 1986	Allows exemption increase of 100% for FY2004 for taxpayers qualifying for a personal exemption
2004	Ch. 73, Section 4 Acts of 1986, as amended by Ch. 126 of the Acts of 1986	Allows an exemption increase of 100% for FY2005 for taxpayers qualifying for a personal exemption
2004	Ch. 44B, Section 3-7 <b>NOT ENACTED</b>	Acceptance of Community Preservation Act contingent upon passage of ballot question
2005	Ch. 71, Section 16G ½	Established Masconomet Regional School District Stabilization Fund
2005	Ch. 73, Section 4 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988	Allows exemption increase of 100% for fiscal 2006 for all taxpayers qualifying for a personal exemption
2005	Ch. 59, Section 57C	Implements Quarterly Tax billing system effective July 1, 2006 for fiscal year 2007
2006	Ch. 73, Section 4 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988	Allows exemption increase of 100% for fiscal 2007 for all taxpayers qualifying for a personal exemption

2007	Ch. 73, Section 4 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988	Allows exemption increase of 100% for fiscal 2008 for all taxpayers qualifying for a personal exemption
2007	M.G.L Ch. 39, Sec. 23D	Allows that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to absence from one session of such hearing, provided certain conditions are met, and said acceptance shall apply to all adjudicatory hearings
2007	M.G.L. Ch. 148, Sec. 261	Requires installation of an approved system of automatic sprinklers for new construction or substantially rehabilitated buildings that are occupied in whole or part for residential purposes and contain not less than four dwellings
2007	M.G.L. Ch.60, Sec. 106 <b>RESCINDED</b>	Rescinded acceptance of said chapter voted under Article 43 of the 1985 May Annual Town Meeting
2008	Ch. 73, Section 4 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988	Allows exemption increase of 100% for fiscal 2009 for all taxpayers qualifying for a personal exemption
2008	M.G.L. Ch. 59, Sec. 5K	Authorizes the Board of Selectmen to establish a tax work-off for senior citizen volunteers in the Town of Topsfield, to be effective July 1, 2008
2009	Ch. 73, Section 4 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988	Allows exemption increase of 100% for fiscal 2010 for all taxpayers qualifying for a personal exemption
2009	M.G.L. Ch.41, Sec.81U	Allows the Planning Board to apply amounts of a surety bond, deposit, or other security to complete work in a sub-division in accordance with the approved plans and conditions in the event a developer fails to do so
2011	Ch. 53, Section 9A	The key provision of this law provides that the final date for obtaining blank nomination papers for nomination to town office shall be forty-eight week day hours prior to the hour on which nomination papers are required to be submitted to the registrars of voters for certification.
2011	Ch. 59 §5, Clause 41A	This local option provision would allow the Town to increase the amount of gross receipts that senior citizens 65 years of age and older may have in a calendar year and still be eligible to defer assessed property taxes in the following fiscal year. Under Massachusetts General Law Ch. 59 §5, 41A, the gross receipts limit may be increased above \$20,000 by any amount up to \$40,000. Gross receipts means income from all sources and is broader than taxable income for federal or state income tax purposes.
2011	Ch. 59 §5, Clause 41A	This local option provision would allow the Town to reduce the rate of interest that accrues on property taxes deferred by eligible seniors 65 years of age and older from 8% to 4%. Interest on deferred taxes accrues at 8% per annum. This

reduction does not apply after a property is transferred or the owner dies before the account is paid, in which case interest accrues at a 16% per annum.

**\*Editor's Note:**

On occasion, the Town has accepted the provisions of Chapter 44, Section 53E ½ thereby establishing revolving funds for certain Town departments for the ensuing fiscal year. As said provisions are in effect for only the year voted, they have not been included here, but may be found in Town Meeting Minutes records.



## **SPECIAL ACTS AND GENERAL LAWS**

### **B. SPECIAL ACTS OF THE COMMONWEALTH PERTAINING TO TOPSFIELD**

Special Acts that have been adopted by the Massachusetts Legislature and pertain to the Town of Topsfield are referred to by the year of enactment and chapter number.<sup>ii</sup>

<b>Year</b>	<b>Chapter</b>	<b>Short Title</b>
Acts of 1892	Chapter 384	Incorporating the Haverhill, Georgetown, and Danvers Street Railway
Acts of 1902	Chapter 295	Incorporating the Danvers and Georgetown Street Railway
Acts of 1909	Chapter 438	Authorizing the Beverly Gas and Electric Company to furnish electricity to the Town of Topsfield
Acts of 1911	Chapter 161	Authorizing the Congregational Church of Topsfield to hold as Trustee, funds now in hands of Trustees of Bixby Donation Farm corporation which is dissolved
Acts of 1913	Chapter 706	Taking lands for water supply purposes in the Towns of Topsfield, Beverly and Salem
Acts of 1919	Chapter 302	Authorizing the Essex County Commissioners to construct a bridge over the Ipswich River in the Town of Topsfield
Acts of 1926	Chapter 200	Authorizing the Town of Danvers to take additional sources of water supply in the Town of Middleton and improve its water system in Topsfield and other towns
Acts of 1931	Chapter 382	Authorizing the Town of Topsfield to borrow money for school purposes
Acts of 1936	Chapter 96	Changing and establishing the boundary line between the Town of Middleton and Town of Topsfield
Acts of 1937	Chapter 138	Establishment of a Water District in the Town of Topsfield and the election and terms of the local Boards of Water Commissioners

<b>Year</b>	<b>Chapter</b>	<b>Short Title</b>
Acts of 1948	Chapter 80	Validating the Acts of Persons acting as Registrars of Voters in the Town of Topsfield in 1947 and 1948
Acts of 1949	Chapter 526	Validating and Confirming the election of officers and other proceedings of the Annual Town Meeting in Topsfield in 1947 and 1948
Acts of 1951	Chapter 697	Authorizing the Water Supply Board to take land for a water reservoir
Acts of 1956	Chapter 631	Authorizing the development of Bay Circuit in the Town of Topsfield
Acts of 1957	Chapter 154	Validating the location of certain gas mains lines and other equipment of the Haverhill Gas Company in Haverhill, Merrimac, Amesbury, Salisbury, Newburyport, Groveland, Georgetown, Rowley, Ipswich, Hamilton, Wenham, and Topsfield
Acts of 1957	Chapter 441	Authorizing the Town of Topsfield to lay water pipes in the Town of Boxford and to sell water to the Masconomet Regional School District, and authorizing said District to borrow money for the cost of laying pipes
Acts of 1962	Chapter 20	Providing for Life Tenure for Roger G. Peabody, incumbent in the Office of Chief of Police
Acts of 1963	Chapter 461	Authorizing the Town of Topsfield to receive water from the Town of Danvers
Acts of 1967	Chapter 156	Authorizing the formation of a Vocational Regional School District by Haverhill, Newburyport, Amesbury, Boxford, Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, Topsfield and West Newbury
Acts of 1971	Chapter 327	Authorizing the Town of Topsfield to purchase land in the Town of Boxford for conservation purposes

<b>Year</b>	<b>Chapter</b>	<b>Short Title</b>
Acts of 1972	Chapter 545	Authorizing the formation of a Vocational Regional High School District by Beverly, Gloucester, Peabody, Salem, Boxford, Danvers, Essex, Hamilton, Manchester, Marblehead, Middleton, Rockport, Swampscott, Topsfield and Wenham
Acts of 1973	Chapter 1100	Authorizing the Town of Topsfield to hold Town Meetings at the Masconomet Regional School in the Town of Boxford
Acts of 1974	Chapter 387	Authorizing payment by the Town of Topsfield of a certain retirement allowance to Roger G. Peabody
Acts of 1975	Chapter 406	Establishing an Historic and Scenic District Planning Commission in Essex County
Acts of 1977	Chapter 412	Authorizing payment by the Town of Topsfield of a certain retirement allowance to Roger G. Peabody (Repealed Ch. 387, Acts of 1974)
Acts of 1987	Chapter 494	Authorizing the conveyance by the Commonwealth of Massachusetts of a Certain Parcel of Land (State Police Barracks Property) to the Town of Topsfield
Acts of 1988	Chapter 92	Validating Certain Votes Taken in the Town of Topsfield in 1986 and 1987 Relative to Certain Bonds
Acts of 1989	Chapter 453	Authorizing the Town of Topsfield to Establish a Board of Park and Cemetery Commissioners
Acts of 1990	Chapter 278	Authorizing the Conveyance by the Commonwealth of Massachusetts of a Certain Parcel of Land to the Town of Topsfield, known as Maryknoll
Acts of 1990	Chapter 500	Providing for a Certain Method of Assessing Betterment Costs for Supplying Water in the Town of Topsfield
Acts of 1992	Chapter 99	Validating the Acts and Proceedings of the Annual and Special Town Meetings of May 5 and 6, 1992 of the Town of Topsfield

<b>Year</b>	<b>Chapter</b>	<b>Short Title</b>
Acts of 1996	Chapter 10	Providing for the Appointment of a Treasurer/Collector in the Town of Topsfield.
Acts of 2001	Chapter 144	An act authorizing the Town of Topsfield to convey a certain parcel of conservation land to the Town of Boxford for conservation purposes
Acts of 2003	Chapter 57	An act authorizing the Town of Topsfield to grant special liquor licenses for the sale of wines and malt beverages to be drunk on the premises.
Acts of 2003	Chapter 58	An act authorizing the Town of Topsfield to grant a license for sale of wines and beverages to be drunk on the premises..
Acts of 2003	Chapter 61	An act authorizing the Town of Topsfield to grant a license for the sale of wines and beverages not to be drunk on the premises.
Acts of 2005	Chapter 170	An act increasing the number of the board of selectmen to five (5) members.
Acts of 2006	Chapter 225	An act authorizing the grant of an additional license to Gil's Grocery for the sale of wines and malt beverages not to be drunk on the premises.
Acts of 2006	Chapter 350 <b>NOT ENACTED</b>	An act authorizing the Town of Topsfield to establish a DPW provided the voters vote in the majority at the next town election to do so. If so voted in the affirmative this act shall take effect on the date of the annual town election of 2008. The Town election of May 3, 2007 voted against establishment of a DPW. Chapter 350 Acts of 2006 will <u>not</u> take effect in 2008 due to the vote of May 2007.
Acts of 2008	Chapter 127	An act authorizing the Town of Topsfield to issue a license for the sale of wines and malt beverages not to be drunk on the premises.
Acts of 2008	Chapter 235	An act authorizing the Secretary of State to place the Office of Selectman on the state election ballot in the Town of Topsfield.

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